HON'BLE SRI JUSTICE T.CH. SURYA RAO
AND
HON'BLE SRI JUSTICE G. CHANDRAIAH

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WRIT PETITION No.13186 of 2001

Date: 22-06-2006

Between :

Kalal Nagorao

…Petitioner/s

And

Kalal Peeranna, s/o. Narsimlu,
68 years, Occ: Retired Teacher,
r/o. Adilabad and others.

…Respondent/s

HON'BLE SRI JUSTICE T.CH. SURYA RAO
AND
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O R D E R : (Per Hon'ble Sri Justice T.CH.Surya Rao)

Heard learned counsel for the writ petitioner.

Having regard to the specific averment made *inter alia* in the application that the respondents were inducted into the possession of the house by the petitioner himself, the application filed by the respondents herein before the Special Tribunal was rejected by the learned Tribunal on the premise that the petitioner had no cause of action to maintain the application since it was not the case of an act of land grabbing. The petitioner is now assailing the said order in the instant writ petition.

The only point that is urged before us by the learned counsel for the petitioner is that it is not open to the Special Tribunal, after the registration of the application as a Land Grabbing Case on its file, to reject the application at a later point of time. The learned counsel invites our attention to Rule 30 of the Rules framed under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (for brevity 'the Act'), which enables the Tribunal to exercise the powers of a Civil Court for issuing the process, commission etc. However, Section 9 of the Act specifically reads that the provisions of the Code of Civil Procedure, 1908 insofar as they are not

inconsistent with the provisions of the Act, shall apply to the proceedings before the Special Court and the Special Court, for the purposes of the provisions of the said enactment, shall be deemed to be a Civil Court. In view of the specific provision under Section 9 of the Act, the contention of the learned counsel for the petitioner merits no consideration. Invoking the powers under Order 7, Rule 11 of the Code of Civil Procedure, the application filed on the side of the respondents was allowed on the ground that there has been no cause of action for the Special Tribunal to have entertained such a land grabbing petition. We, therefore, see no illegality or irregularity that has been committed by the learned Judge of the Special Tribunal in having allowed the interlocutory application and rejecting the main petition consequently. For the above reasons, the writ petition must fail.

It may be mentioned that it is always open to the petitioner to pursue his remedies that are available legally before the appropriate forum.

In the result, the writ petition fails and is accordingly dismissed. But under the circumstances, without costs.

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(T.CH.SURYA RAO, J)

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(G. CHANDRAIAH, J)

22-06-2006
Msr.

HON'BLE SRI JUSTICE T.CH. SURYA RAO
AND
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